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OPEN MEETING ITEM

DOCKET NO. RR-00000E-13-0195

BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

COMMISSIONERS

BOB STUMP - Chairman
GARY PIERCE
BRENDA BURNS
BOB BURNS
SUSAN BITTER SMITH

2014 FEB 10 P 12:14

AZ CORP COMMISSION
DOCKET CONTROL

ORIGINAL

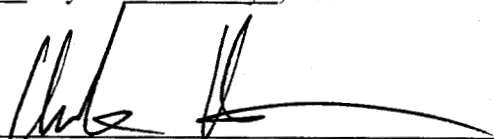
IN THE MATTER OF THE ARIZONA
CORPORATION COMMISSION, ON ITS
OWN MOTION, TO ESTABLISH AN
ARRAY OF PUBLIC RAIL/HIGHWAY
GRADE CROSSINGS THROUGHOUT THE
STATE OF ARIZONA.

DOCKET NO. RR-00000E-13-0195

STAFF'S NOTICE OF FILING PROPOSED ORDER

On January 30, 2014, Staff docketed a memorandum with its recommended array of railroad crossings of public highways where automatic warning signals or safety devices should be considered. Staff hereby provides notice of filing the attached proposed order recommending approval of Staff's proposed array of crossings. This is a Staff proposed order and is not an order of the Commission. This proposed order may be considered by the Commission during the March 12 and 13, 2014 Open Meeting. If any party wishes to file exceptions to this proposed order, it may do so by filing its exceptions within this docket by February 20, 2014.

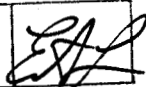
RESPECTFULLY SUBMITTED this 10th day of February, 2014.


Charles H. Hains
Attorney, Legal Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007
(602) 542-3402

Arizona Corporation Commission
DOCKETED

FEB 10 2014

DOCKETED BY



1 Original and thirteen (13) copies of
2 the foregoing filed this 10th day of
3 February, 2014, with:

4 Docket Control
5 Arizona Corporation Commission
6 1200 West Washington Street
7 Phoenix, Arizona 85007

8 Copy of the foregoing mailed this
9 10th day of February, 2014, to:

10 Mr. Jason Pike
11 Railroad Engineering Coordinator
12 ADOT-Utilities & Railroad Section
13 205 South 17th Avenue, Mail Drop 618E
14 Phoenix, AZ 85007-3212

15 Timothy Good
16 Arizona Eastern Railway
17 5903 South Calle De Loma
18 P.O. Box 2200
19 Claypool, AZ 85532

20 Bobby R. Blake
21 General Superintendent
22 Copper Basin Railway Inc.
23 P.O. Drawer I
24 Hayden, AZ 85235

25 Roseann Osorio

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 BOB STUMP - Chairman
4 GARY PIERCE
5 BRENDA BURNS
6 BOB BURNS
7 SUSAN BITTER SMITH

8 IN THE MATTER OF THE ARIZONA
9 CORPORATION COMMISSION, ON ITS
10 OWN MOTION, TO ESTABLISH AN
11 ARRAY OF PUBLIC RAIL/HIGHWAY
12 GRADE CROSSINGS THROUGHOUT THE
13 STATE OF ARIZONA.

DOCKET NO. RR-00000E-13-0195

DECISION NO. _____

ORDER

11 Open Meeting
12 March 11 and 12, 2014
13 Phoenix, Arizona

14 BY THE COMMISSION:

15 **FINDINGS OF FACT**

16 1. Arizona Revised Statutes (A.R.S.) Sections 40-337.02 and 40-337.03 relate to the
17 allocation of funds for the installation of automatic warning signals and devices at public railroad
18 grade crossings and the determination of locations where the installation of automatic warning signals
19 should occur on that date.

20 2. A.R.S. Section 40-337.03 enables the Arizona Corporation Commission (Commission),
21 which has the exclusive power to determine and prescribe the manner and terms of installation of
22 warnings at each railway crossing pursuant to A.R.S. Section 40-337, to establish an array of public
23 railroad grade crossings to plan for the orderly installation of automatic warning signals and devices.

24 3. Although numerous hazard index formulas have been proposed over many years to
25 assess the relative hazard of a grade crossing based upon some combination of its characteristics, no
26 one such formula, or combination thereof, has universal acceptance. The development of the array
27 and the determination of the warnings to be installed at crossings also involve the exercise of
28 judgment.

4. The array establishes crossings where the installation of automatic warning signals and devices should be considered in accordance with the above referenced legislation, depending upon the availability of monies, material, labor and other factors involved in such installation. The inclusion of a crossing on the array, however, does not mean that existing warning signs or signals, if any, are inadequate to enable an ordinary, prudent motorist to safely pass over the crossing. Conversely, a public crossing not appearing on the array does not exclude it from being improved under this program if it becomes an increased hazard to safety prior to the issuance of the next annual array.

5. The array first became effective on July 1, 1977. It is in the best interest of public safety, considering the current state and federal appropriations which have been allocated for the acquisition and installation of automatic warning signals and devices at public grade crossings in Arizona, for the array to be supplemented as provided herein.

6. In order to promote the timely installation of warning signals and crossing upgrades, Staff, with representatives of Arizona Department of Transportation and the Federal Highway Administration, have determined that an additional four (4) crossings should be placed on the 2011 array for upgrading.

7. Staff has recommended that the array approved by the Commission in Decision No. 72020 dated December 10, 2010, be reaffirmed and that the crossings listed in Attachment 1 be added to the array.

CONCLUSIONS OF LAW

1. Some Public railway/highway grade crossings in Arizona are eligible to receive Federal funds for the installation of automatic warning signals and devices under the 23 U.S.C. § 130. These monies were appropriated in recognition of the public responsibility to improve safety at railway/highway crossings, and may be used to pay one hundred (100) percent of the total installation cost of each project.

2. Pursuant to the Commission's exclusive power over railway/highway crossings, the array shall establish the public grade crossings in Arizona at which changes in signalization may be made under A.R.S. Sections 40-337, *et seq.*

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ORDER

THEREFORE, IT IS ORDERED that the array established in Decision No. 72020, as well as the crossings listed on Attachment 1, be and hereby is approved.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY THE ORDER OF THE ARIZONA CORPORATION COMMISSION

<hr/>		
CHAIRMAN	COMMISSIONER	
<hr/>		
COMMISSIONER	COMMISSIONER	COMMISSIONER

IN WITNESS WHEREOF, I, JODI JERICH, Executive Director of the Arizona Corporation Commission, have hereunto, set my hand and caused the official seal of this Commission to be affixed at the Capitol, in the City of Phoenix, this _____ day of _____, 2014.

JODI JERICH
EXECUTIVE DIRECTOR

DISSENT: _____

DISSENT: _____

1 SERVICE LIST FOR: 2013 Crossing Array
2 DOCKET NO. RR-00000E-13-0195

3 Mr. Jason Pike
4 Railroad Engineering Coordinator
5 ADOT-Utilities & Railroad Section
6 205 South 17th Avenue, Mail Drop 618E
7 Phoenix, AZ 85007-3212

8 Timothy Good
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10 5903 S. Calle De Loma
11 P.O. Box 2200
12 Claypool, AZ 85532

13 Bobby R. Blake
14 General Superintendent
15 Copper Basin Railway Inc.
16 P.O. Drawer I
17 Hayden, AZ 85235

ATTACHMENT 1

2013 Array for Railroad-Highway Safety Projects in Arizona

Proposed by Arizona DOT - January 28, 2014

DOT Number	RR	MP	Location	Scope of Work	Estimated Costs (ADOT)	Exposure Index
Protective Devices						
903 609 J	AZER		Marion Rd/US60	Signals Update	\$ 150,000	25.61
874 879 B	CBRY		SR177/Kelvin	Signals Update	\$ 150,000	7.35
742 247 D	AZER		Palmer Ln (Thatcher)	Signals Update	\$ 150,000	78.27
Subtotal					\$ 450,000	
Hazard Elimination						
903 609 J	AZER		Marion Rd/US60	Road approach work and Adjacent Crossing Closure	\$ 300,000	3463.60
741 866 G	AZER		SR75/Duncan	Conc Xing & Sidewalk	\$ 250,000	1006.25
874 879 B	CBRY		SR177/Kelvin	Conc Xing & Road Approach	\$ 350,000	1040.85
742 247 D	AZER		Palmer Ln (Thatcher)	Conc Xing & Sidewalk	\$ 250,000	722.75
Subtotal					\$1,150,000	
Total					\$1,600,000	